UNITED
NATIONS

S

Security Council

PROVISIONAL

S/PV.3105
11 August 1992

ENGLISH

PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND
ONE HUNDRED AND FIFTH MEETING

Held at Headquarters, New York,
on Tuesday, 11 August 1992, at 3.30 p.m.

President:	Mr. LI Daoyu	(China)
Members:	Austria	Mr. HAJNOCZI
	Belgium	Mr. VAN DAELE
	Cape Verde	Mr. JESUS
	Ecuador	Mr. AYALA LASSO
	France	Mr. ROCHEREAU DE LA SABLIERE
	Hungary	Mr. BUDAI
	India	Mr. GHAREKHAN
	Japan	Mr. HATANO
	Morocco	Mr. BENJELLOUN-TOUIMI
	Russian Federation	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PERKINS
	Venezuela	Mr. ARRIA
	Zimbabwe	Mr. MUMBENGEGWI

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the Security Council.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week. to the Chief, Official Records Editing Section, Office of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

92-61059 9482V (E)

The meeting was called to order at 4.10 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

LETTER DATED 7 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24393)

LETTER DATED 7 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24394)

LETTER DATED 7 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24395)

LETTER DATED 7 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE UNITED STATES MISSION TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24396)

The PRESIDENT (interpretation from Chinese): I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Anbari (Iraq) took a place at the Council table.

The PRESIDENT (interpretation from Chinese): In letters dated 7 August 1992 addressed to the President of the Security Council from the Chargé d'affaires ad interim of the Permanent Mission of Belgium to the United Nations, the Chargé d'affaires ad interim of the Permanent Mission of France to the United Nations, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, and the Chargé d'affaires ad interim of the United States Mission to the United Nations, documents S/24393, S/24394, S/24395 and S/24396, respectively, it is requested that the Security Council extend an invitation to Mr. Van der Stoel under rule 39 of the provisional rules of procedure of the Council.

The question to be decided by the Council is an invitation under rule 39 of the Council's provisional rules of procedure to Mr. Van der Stoel in his personal capacity.

Mr. GHAREKHAN (India): It is the consistent position of the Indian delegation that the various organs and bodies of the United Nations should restrict their deliberations and actions within their respective spheres of competence as defined under the Charter. Deviation from the Charter, in which the nations of the world have reposed their faith and support, could erode that confidence and have grave consequences for the future of the Organization as a whole.

We recognize that matters relating to the situation in Iraq come up before the Security Council on account of Iraq's illegal occupation of Kuwait in 1990. The Security Council has dealt effectively with that situation and remains vigilant against any breach of international peace and security. The Council can focus its legitimate attention on the threat or likely threat to peace and stability in the region but it cannot discuss human-rights situations per se or make recommendations on matters outside its competence.

It is in this context that my delegation has reservations about the appropriateness of the Security Council's inviting Mr. van der Stoel. Matters pertaining to human rights should appropriately be discussed by the Commission on Human Rights or the General Assembly, which are the organs competent to do so. In the present case, the requests before us from some members of the Council to invite Mr. van der Stoel to assist in its deliberations, under rule 39 of the provisional rules of procedure, would appear to impinge directly on this consistent position of my delegation.

We note that the requests made for inviting Mr. van der Stoel contain references to Security Council resolution 688 (1991). My delegation abstained on that resolution for reasons mentioned in the explanation of vote at the time of adoption of that resolution. At the same time, my delegation has noted the explanations given by the sponsors of this request, as well as the

(Mr. Gharekhan, India)

statement just made by you, Mr. President, to the effect that Mr. van der Stoel is being invited strictly in his personal capacity and not in any representative capacity.

Mr. AYALA LASSO (Ecuador) (interpretation from Spanish): Permit me to express Ecuador's view in connection with the request made by the representatives of Belgium, France, the United Kingdom and the United States to have the Council meet on an urgent basis in order to hear Mr. Max van der Stoel speak in his personal capacity.

Three of the four petitioners declare that the repression of the civilian population in Iraq constitutes a threat to international peace and security. All four recall resolution 688 (1991), in which the Security Council decided, among other things, to keep the question under consideration. The four also request that the Council invite Mr. Max van der Stoel in accordance with rule 39 of the Council's provisional rules of procedure.

According to rule 39 of the provisional rules of procedure of the Council,

> "The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence."

Mr. Max van der Stoel, in his capacity as Special Rapporteur of the Commission on Human Rights on Iraq, has submitted a report distributed as an official document of the Security Council, as was the case with the report submitted to the Commission on Human Rights on 18 February 1992. The Security Council does not intend to examine the report of Mr. van der Stoel or to take a stand on it. If it were to do so, it would be disregarding the competence of the General Assembly and of the Economic and Social Council, and would be

(Mr. Ayala Lasso, Ecuador)

attributing to itself authority that it does not have.

Indeed, Articles 10 through 17 of the Charter reflect the responsibilities of the General Assembly and Article 13 specifically refers to its competence as regards human rights and fundamental freedoms. Chapter IX of the Charter refers to international cooperation in connection with economic and social matters, and Article 55 refers to fundamental freedoms and respect for human rights. Article 60 says that responsibility in this respect shall fall to the General Assembly and, under its authority, to the Economic and Social Council, whose powers are described in Chapter X. Among the powers and functions of the Economic and Social Council, according to Article 62, are those having to do with the promotion of and respect for human rights and fundamental freedoms.

The Economic and Social Council established the Commission on Human Rights in 1946 and that Commission appointed Mr. Max van der Stoel Special Rapporteur on the Human Rights situation in Iraq. Mr. van der Stoel, in that capacity, has submitted his reports to the Commission on Human Rights and to the General Assembly. The Economic and Social Council, acting within its lawful competence, has expressed itself in this connection. Therefore, since the Security Council does not have competence in matters relating to human rights, it would not be possible for it either to examine the report of Mr. van der Stoel or to take a stand on it. Furthermore, it must be recalled that the Security Council, on 5 April 1991, adopted resolution 688 (1991), in which it condemned the acts of repression committed by Iraq against the Iraqi civilian population in many parts of the country,

> "including most recently in Kurdish populated areas, the consequences of which endanger peace and security in the region" (resolution 688 (1991), para. 1).

(Mr. Ayala Lasso, Ecuador)

The Security Council adopted that resolution because it felt that the mass violations of human rights and the resulting flow of refugees to international borders endangered international peace and security in the region. In other words, the Council decided to act on this matter, which is not normally part of its competence, because a phenomenon had come about that could affect international peace and security, the maintenance of which is the primary responsibility of the Security Council.

In addition, the Council considered it necessary to reaffirm the principle of

> "commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq and of all States in the area" (resolution 688 (1991), seventh preambular para.)

It also recalled the provisions of "Article 2, paragraph 7, of the Charter of the United Nations" (resolution 688 (1991), preambular para. 2). In other words, the Security Council felt that resolution 688 (1991) did not affect those basic principles because a situation had come about in connection with the maintenance of international peace and security, which was the reason why it was possible for the Security Council to act.

The delegation of Ecuador voted in favour of resolution 688 (1991) and thus agreed with the Council's assessment, although it made it clear that matters relating to human rights per se do not fall within the competence of the Security Council. It is important to point out that the four countries that have requested this meeting of the Council invoke resolution 688 (1991), pursuant to which Mr. van der Stoel, in his personal capacity, would be invited to provide information on matters that are within the purview of the Security Council. Ecuador therefore understands that the invitation to

(Mr. Ayala Lasso, Ecuador)

Mr. van der Stoel does not in any way affect or increase the normal authority of the Council, because this invitation falls within the scope of a resolution already adopted, and should be understood to reflect all the limitations inherent in that resolution itself.

Mr. MUMBENGEGWI (Zimbabwe): Zimbabwe fully subscribes to the principles enshrined in the Universal Declaration of Human Rights and is a firm believer in the principle that abuses of human rights, where they are alleged, should be open to scrutiny in accordance with the obligations of Member States by the appropriate organs of the United Nations and as provided in existing regional and international conventions relating to human rights.

However, we are all aware that there is a division of responsibility among the various organs of the United Nations. Such a division of responsibility is not by accident and therefore needs to be taken very seriously. The Security Council has the primary responsibility for the maintenance of international peace and security. Not too long ago, in this very Chamber, my delegation expressed in the need for caution in the manner the Council interprets its mandate. Indeed, it can be argued that everything that happens has a bearing on international peace and security. This kind of approach would clearly render other organs of the Organization redundant.

Under the present circumstances, it is clear to my delegation that the issue of human rights belongs to the Commission on Human Rights and the General Assembly. The Commission on Human Rights, in the exercise of its mandate, appointed Mr. van der Stoel as its Rapporteur on Iraq. His report has been circulated to all members of the Security Council. We have all read it and are all aware of its contents.

As far as my delegation is aware, Mr. van der Stoel's report has not yet been considered by the United Nations organ that commissioned it. My delegation has taken note of the explanations given by the co-sponsors that the Security Council is not meeting to receive Mr. van der Stoel as the Rapporteur on Iraq appointed by the Commission on Human Rights but that the

(Mr. Mumbengegwi, Zimbabwe)

Council was receiving him purely in his personal capacity. Let me state here that Zimbabwe believes that all information that can help the Security Council execute its mandate more effectively should be brought to the attention of Council members. In this context, my delegation welcomed the circulation of Mr. van der Stoel's report to Council members for their information.

What is of concern to my delegation is the tendency of the Security Council to encroach on the mandates of other organs of the United Nations Organization. If this trend continues, there is bound to arise a serious institutional crisis which can only be to the detriment of this world body.

The PRESIDENT (interpretation from Chinese): I will now speak in my capacity as representative of China.

The Chinese delegation is of the view that the competence of the Security Council is to deal with matters bearing upon international peace and security. Questions of human rights ought to be dealt with by the Commission on Human Rights. These questions have never been within the scope of the Council's mandate. Mr. van der Stoel is the Rapporteur appointed by the Commission on Human Rights. It is natural and right that he should be accountable to the Commission and that he should report to it on his work.

In our view, inviting Mr. van der Stoel to participate in the meetings of the Council is inappropriate. The Chinese delegation therefore expresses its reservations in this regard.

I now resume my capacity as President of the Security Council. The observations made will be reflected in the records of the Security Council.

If I hear no objection, may I take it that the Council agrees to extend an invitation under rule 39 of the provisional rules of procedure to Mr. van der Stoel?

There being no objection, it is so decided.

(The President)

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in response to the requests contained in letters dated 7 August 1992 addressed to the President of the Security Council from the Chargé d'affaires, a.i. of the Permament Mission of Belgium to the United Nations, the Chargé d'affaires, a.i. of the Permanent Mission of France to the United Nations, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, and the Chargé d'affaires, a.i. of the United States Mission to the United Nations, in documents S/24393, S/24394, S/24395, and S/24396, respectively.

I should like to draw the attention of members of the Council to document S/24386, letter dated 3 August 1992 from the Chargé d'affaires, a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council, and document S/24388, letter dated 6 August 1992 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General.

Members of the Council have received photocopies of a letter dated 10 August 1992 from the Chargé d'affaires, a.i. of the Permament Mission of the Islamic Republic of Iran to the United Nations, which will be issued as document S/24414.

The first speaker is Mr. Max van der Stoel, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a place at the Council table and to make his statement.

Mr. VAN DER STOEL: On 17 June, the Ministry of Health of Iraq provided me with information about the health situation of the Iraqi people. It is a shocking report. For instance, it says that the number of deaths caused by various types of dysentery is now five to six times higher than in preceding years. A cholera epidemic has broken out and 1,270 cases requiring treatment have been reported. Dozens have died. The report claims that respiratory diseases are 7 to 8 times higher than in the past. Infant mortality has also risen sharply.

I have not yet been able to check the accuracy of this data, but in my opinion there is little doubt that the poorer sections of the population in particular are suffering. The Government food-rationing programme, with its low prices, provides the population with only 1,400 calories per person per day, while large parts of the population cannot afford the high prices for additional food on the free market.

All this underlines the need for a quick breakthrough in the endless negotiations on the implementation, on the basis of Security Council resolutions 706 (1991) and 712 (1991), of the so-called "food for oil" formula. In this way, a rapid improvement of the nutritional situation could be achieved.

(Mr. van der Stoel)

It is also obvious that if the health of the population is deteriorating as rapidly as these data suggest, there is an even increased need for uninterrupted international humanitarian assistance.

Against that background, I can only express my alarm at the fact that the humanitarian aid programme in Iraq is at present inexorably grinding to a halt. The Government of Iraq has refused new visas for eight workers who were due to come into the country under rotation schemes. It has refused to renew the visas of those who were staying. They are, moreover, subjected to various forms of harassment.

Even more dangerous incidents are reported from the Kurdistan area in the north of the country. Restrictions on the supply of fuel for humanitarian agencies add to their difficulties.

While complaining about the effect of the embargo against Iraq, the Government of Iraq has not hesitated to impose an even stricter embargo against the population of the marshes in the south and against the population of the governorates in the north which are no longer under Government control. The embargo against the population in the north has even tightened in recent weeks. Virtually no food supplies are coming in. The supply of petroleum products has been cut. As reserve stocks dwindle, prices increase rapidly in the north. A constantly increasing number of Kurds are discovering that their income is no longer sufficient to provide for their most basic needs. They are forced to sell their possessions in order to stay alive. As petroleum products get more and more scarce, people start to cut wood; if this continues, the danger of deforestation will become very real.

As it is summer now, the situation is at present alleviated to some extent by the fact that there is a supply of local products like vegetables

(Mr. van der Stoel)

and fruit. But with the coming of winter the situation would worsen dramatically.

In the eighties, tens of thousands of Kurds were killed as a consequence of the repressive policies of the Government of Iraq. Now a new danger is threatening the Kurds: hunger. If the Government of Iraq continues its present policy of tightening the embargo against the Kurds, there will be only one method to avoid a new human tragedy - that is, a massive humanitarian aid programme for the north.

In this respect, I must recall resolution 688 (1991), which the Security Council adopted in April last year. In operative paragraph 3 of that resolution the Council

> "Insists that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and to make available all necessary facilities for their operations". (resolution 688 (1991), para. 3)

Clearly, the present policy of the Government of Iraq, which makes it virtually impossible for international humanitarian organizations to continue their work, constitutes a clear violation of this resolution.

In this respect, I must also make a comment about the hit-and-run raids that have occurred in the north in recent months. The Government of Iraq denies any responsibility for them. But, on the other hand, it is difficult to imagine that such acts would be committed by Kurds, who, whatever their differences, all have a clear interest in the continuation of the humanitarian work in their area.

The rapidly deteriorating food situation in the north has so far attracted little international attention. Human tragedies elsewhere in the

(Mr. van der Stoel)

world may provide an explanation for this. But, in my view, we cannot afford to forget that in the Kurdish area of Iraq, too, thousands of human lives are at stake. It is essential that steps be taken right now to avoid a catastrophe in the coming winter. First and foremost, it is necessary that the international humanitarian organizations be enabled to resume their work in the north without being endangered or hindered in any way.

If, as I fervently hope, current negotiations with the Government of Iraq lead to agreement on unimpeded continuation of the work of international humanitarian organizations in Iraq, the United Nations, in my view, cannot afford to forget the situation in the marshes in the south. The population of the marshes is also subjected to a food embargo, even though such a policy of discrimination by a State against a part of its own population constitutes a clear violation of articles 2, 11 and 12 of the Covenant of Economic, Social and Cultural Rights, to which Iraq is a party.

The population of the marshes is in urgent need of humanitarian relief. But the Government of Iraq has never allowed international humanitarian organizations to establish a presence there. This, again, constitutes a violation of paragraph 3 of resolution 688 (1991), which speaks of immediate access to all those in need of assistance in all parts of Iraq.

The Government of Iraq, while condemning the United Nations embargo as inhuman and endangering the health situation of the country, does not hesitate to pursue a food blockade against parts of its own populations - which constitutes a threat to the most basic human right: the right to life.

The life of the population of the north and of the population in the marshes in the south is also threatened in a more direct way. In the north there is intermittent shelling by Government forces of parts of the Kurdish

(Mr. van der Stoel)

area. Even more critical is the situation in the marshes. Since early June there has been an alarming increase of military activity. There have been artillery bombardments of parts of the marsh areas. There are reports of fixed-wing aircraft carrying out attacks. And, even though there are days when no attacks take place, there are reports of heavy casualties among the civilian population. Moreover, people are forced to leave their villages and to accept relocation in new settlements - an ominous development because in the late eighties, during the so-called Anfal operations against the Kurds, similar measures were used to subdue them. And then, finally, causeways are being built to dry sections of the marshes. These works, carried out without any consultation with the local population, constitute a threat both to their daily needs, which are largely met through fishing, and in terms of the survival of their ancient culture.

(Mr. van der Stoel)

All these developments serve to point to the same conclusion: The Government of Iraq is now in the process of undertaking a major operation to subdue the population of the marshes. The "Anfal operations" in the north against the Kurds in the 1980s have shown how ruthless such a campaign can be. There is no evidence at all that might lead to the conclusion that this time a more humane approach will be followed. The Government of Iraq claims that criminals are hiding in the marshes. But how can this justify air attacks and artillery bombardments, which clearly affect an innocent civilian population?

Security Council resolution 688 (1991) demands, in paragraph 2, that Iraq, as a contribution to removing the threat to international peace and security in the region, should immediately end this repression. What has been happening in the southern marshes in recent weeks constitutes a flagrant violation of that paragraph. Nor are there any signs that the policy of repression in other parts of Iraq has been discontinued.

Permit me to summarize my main conclusions concerning the present human-rights situation in Iraq.

The first is that while it is even more urgent than immediately after the end of the Gulf war that international humanitarian organizations should be able to perform their task to the full, continuous harassment, travel restrictions and refusals to grant visas rapidly make continuation of their work virtually impossible.

The second is that the food blockade against the Kurds in the north and the Shiites in the southern marshes can rapidly lead to a situation in which famine can be avoided only by a major international relief operation.

(Mr. van der Stoel)

The third is that recent artillery bombardments and attacks by fixed-wing aircraft in the area of the southern marshes point to the start of a major military effort by the Government of Iraq to restore its control over that region, whatever the cost in human lives.

In the late 1980s the world looked on passively as the Government of Iraq conducted operations against the Kurds that resulted in the extermination of a part of the population. I hope that members of the Council will agree that everything possible ought to be done to avoid a repetition of that tragedy.

Iraq has a totalitarian regime, which uses totalitarian methods to crush any opposition or even any dissenting opinion. As I have demonstrated in the report for the Commission on Human Rights which I published last January, many thousands of people have disappeared in Iraq after being arrested by the security services. It is likely that many of them have been liquidated. Several witnesses have testified that summary executions have often taken place. I have spoken with many people who have been subjected to the gravest forms of torture. Iraq has in the past not refrained even from using chemical weapons against the Kurdish population.

I must also express great concern over the treatment of the Shia clergy. After the uprising in the north in the spring of last year, many have been arrested. Efforts on my part to obtain information about their fate from the Government of Iraq have remained fruitless. The attitude of the Government of Iraq towards the Shia faith was again demonstrated after the death last Saturday of the Grand Ayatollah Abul Qasim al Musawi al Khoei. In normal circumstances thousands of Shias would have attended the burial of their religious leader. But the Government did not allow this. According to a report I received, only six aides and one family member were permitted to

(Mr. van der Stoel)

attend the burial, which took place at dawn. The report also states that the authorities even denied the al Khoei family the right to perform al-fatehah, the reciting of traditional Koranic verses. Also, I have to express my particular concern about the fate of the Grand Ayatollah's son, Sayed Mohammed Taki al Khoei, who stayed with the Grand Ayatollah during the last years of his life.

I have spoken repeatedly about violations of Security Council resolution 688 (1991). Violations because the Government of Iraq refuses to end its policy of repression, as has been demanded in this resolution. Violations because the Government of Iraq does not respect the obligation to allow international humanitarian organizations access in all parts of Iraq. I have emphasized this not because I enjoy making legal points. I have done so because I am convinced that if a full implementation of resolution 688 (1991) cannot be ensured, many thousands of innocent people are in danger of losing their lives. I express the hope that the members of the Council will keep this in mind in their consideration of this matter.

Mr. AL-ANBARI (Iraq): When I read the letters addressed to you, Mr. President, by representatives of the United Kingdom, Belgium and France, suggesting that Mr. van der Stoel should be invited in a personal capacity rather than as Special Rapporteur, I thought that the Special Rapporteur must have resigned his job and that he was invited to tell us about something else, about the new world disorder, the history of Iraq or other things. And then, when I saw the letter addressed to you by the representative of the United States yesterday, emphasizing that Mr. van der Stoel is to be invited as Special Rapporteur, I thought that the Council would refuse to do that because it would violate its mandate, since the report that he presented a few days

(Mr. Al-Anbari, Iraq)

ago to the Council should have been presented first and discussed by the Commission on Human Rights rather than by the Security Council, which has no mandate in matters of human rights. Then today, we used a new sort of device, saying that we are inviting him as a person, that perhaps he will talk not about the report or about human rights, but about something else. He did speak about something else, I have to admit: he spoke about oil, he spoke about Memorandums of Understanding, he spoke about all sorts of subjects. Unfortunately, he did not inform himself well about these subjects.

(Mr. Al-Anbari, Iraq)

I know that more than anyone else here, as I chaired my delegation during the oil negotiations and while the memorandum of understanding was being negotiated, and I know the gentleman does not really know all the realities of these issues.

Then, after his brief introduction, full of half truths, he came to his report, presenting it paragraph by paragraph, except when he realized the fiasco he had made in devoting so many pages in his paper to the "Third River" in Iraq. I believe he avoided mentioning this after he had heard my explanation and after he had read the letter from our Minister for Foreign Affairs addressed to the Secretary-General (S/24388) explaining what the Third River really is.

Permit me, Mr. President, to come first to the letter addressed by the Special Rapporteur to the Foreign Minister of Iraq (S/24386 p.12, Appendix). This letter reveals a lot about the motives and the tactics followed in the perparation of this report: it is referred to prominently in the report and is annexed thereto. The letter presumes that the reported allegations of a military offensive against the Marsh Arabs, the indiscriminate killings and the deliberate starvation of the civilian population in the south of Iraq and so on are established facts and require no proof whatsoever.

Hence, the letter apeals to the Foreign Minister to have such acts stopped immediately. Given the gravity of the allegations, one wonders why the Special Rapporteur did not first seek clarification from the Government of Iraq about the alleged violation of human rights. Should not the Government of Iraq be given a chance to reveal the dark motives and the unethical tactics of those who do not hesitate to abuse the noble cause of human rights by fabricating non-existent offensives and fictitious indiscriminate murders?

(Mr. Al-Anbari, Iraq)

I fully appreciate the heavy responsibility the Special Rapporteur agreed to shoulder by accepting the assignment to be a Special Rapporteur on the human rights situation in Iraq. However, having accepted the assignment, should he not have taken the necessary precautions against becoming a conduit for those who do not hesitate to abuse the cause of human rights and, indeed, do not hesitate to commit the most draconian crimes against the Iraqi people yet shed buckets of crocodile tears about their plight? I have every reason to trust and respect the judgement and discretion of the Special Rapporteur, but surely he should have known, as someone from Human Rights Watch recently said, that

> "Human rights have always been a political tool: When it is useful to them, they talk about it. When it is not useful, they go completely deaf."

That was quoted in the Daily News of 7 August.

One wonders, therefore, why the Special Rapporteur did not seek to conduct a field survey inside Iraq, not only to satisfy himself but to convince others of his objectivity, his seriousness and his independence. Why did he not bother to take such elementary measures? I hope that, after I conclude my speech, he might answer this question.

I do not want to make any speculation of my own, but the letter (S/24386, p.12, Appendix) itself reveals that it was not meant to be a serious appeal to the Government of Iraq. The letter is dated 29 July 1992; instead of waiting for the letter to arrive on the desk of the Minister for Foreign Affairs, the Special Rapporteur presented his report to the President of the Council the very next day, on 30 July 1992, not forgetting to annex his letter of 29 July to his report. Is it too far-fetched to conclude that the main reason for writing the letter was to prepare an annex to the report, thereby giving it

(Mr. Al-Anbari, Iraq)

the appearance of a well-documented, highly accurate report, even though it is totally innocent of any technical, historical or factual evidence or, for that matter - despite what we have just heard from him - of any legal foundation? So much for the credibility and bona fide character of the annexed letter.

Let me turn to some of the main points that were emphasized in the report. The Special Rapporteur made four assertions: firstly, concerning indiscriminate military attacks against the civilian population in the marshes; secondly, concerning forced relocation of the Marsh Arabs in the south; thirdly, concerning an internal economic blockade; and, fourthly, the so-called Third River Project.

The report describes the aforementioned Project as

> "Perhaps the greatest threat to the inhabitants of the southern marshes ..." (S/24386, para. 15).

It goes on to conclude that the project will

> "... clearly result in the draining of much of the marsh area of its watercover, surrendering the silty soils to the dry air. As the reed beds become exposed, they die, further contributing to the deterioration of the environment ..." (ibid.).

Given these dire consequences of the Third River Project, the report recommends that it

> "... should be immediately brought to a halt ..." (ibid).

Because of the exceptional importance that the Special Rapporteur gives to this project in his report, I shall take up this point before the other three he raised.

One must assume that the Special Rapporteur, although he does not say so, must have had the benefit of engineering, irrigation, environmental and even anthropological specialists; otherwise, he would not make such dire

(Mr. Al-Anbari, Iraq)

predictions. However, given the irrefutable data detailed in the letter of the Foreign Minister of Iraq dated 6 August 1992 addressed to the Secretary-General (S/24388) about the said project, the Special Rapporteur could not have had the benefit of bona fide experts.

Whom he consulted and how he arrived at such a dire conclusion I do not know, nor does the Special Rapporteur let us know. The only thing that really puzzles me is why the esteemed Rapporteur did not bother to consult genuine experts or ask the Iraqi Government about the project, or at least read a book about the irrigation system in Iraq. I should greatly appreciate it if the Special Rapporteur would explain to us why he chose not to follow any of those courses before committing himself to the recommendation he made.

The so-called Third River Project, known in technical parlance as the Main Outfall Drain (MOD), is 566 kilometres long. It is one of the largest and oldest irrigation projects in Iraq. It was started more than 40 years ago to collect high-salinity drainage water from agricultural enterprises in central and southern Iraq into one main drain and to channel it into the Arabian Gulf without - and I emphasize the word "without" - intermixture with any of Iraq's rivers or marshlands. Thus, contrary to what the Rapporteur claims, the Third River is not a new project, it is not limited to the southern part of Iraq and it is not intended to drain the waters of the marshes nor will it do so.

For those who are interested in the engineering history of this project, I can refer them to the feasibility study carried out way back in 1952 by the American consulting firm Tippet, Appett, McCarthy. It was this company that recommended that a network of main drains should be built, of which the Main Outfall Drain, i.e., the Third River, is the backbone. The work on the MOD has gone through several phases since 1952, until 6 August 1990, when the

(Mr. Al-Anbari, Iraq)

Brazilian company Mandes Junior, which was working on the project, had to stop because of Security Council resolution 661 (1990). Because of the sanctions imposed by that resolution, which has cynically and inhumanely been interpreted by a small minority of the members of the Council to include even irrigation equipment and drainage operations, Iraq decided to complete the project using Iraqi engineers and workers.

I do not want to burden the Council with additional technical and historical data, as they are fully detailed in the letter from the Foreign Minister (S/24388). However, on crucial point must be made clear. The Third River does not mix with any of the marsh waters or with any fresh water in Iraqi rivers, for it is to

> "run inside a strictly separate dyke, built parallel to the southern edges of the marshland and from there to the Arabian Gulf through the Shatt al-Basrah canal" (S/24388, p. 4).

(Mr. Al-Anbari, Iraq)

The report also refers to the lowering of the water level of the marshes. Here I have to agree with the report, although the report was again mistaken as to the causes of the paucity of the marshlands water. Contrary to what the report suggests, this paucity is not related to the Third River Project. It is caused by the reduction of the Euphrates water, which is the main source of the marshlands water. Some of our neighbouring countries, sensing the prevalence of lawlessness in international relations, built a large number of big dams on the Euphrates, such as the Kayban and Karakayan dams in Turkey, the Tabqah dam in Syria and the filling since 1990 of the giant Ataturk dam in Turkey. I feel compelled to appeal once again to the Special Rapporteur on human rights in Iraq to seek solid and objective information from the Iraqi Government or, for that matter, from any other bona fide source before making his condemnations and recommendations for the improvement of human rights in Iraq.

I do hope that when preparing his revised version of this report, the Special Rapporteur will correct his data and reconsider his recommendation concerning the Third River Project. But if the report in its present form is so oblivious of such basic, elementary and unclassified technical and economic data concerning the Third River, what credence can a fair-minded person give to the other subjective, secretive and vague allegations regarding indiscriminate killing, internal economic blockade and forced relocation? The Special Rapporteur keeps us in total darkness as to the evidence he possessed and the sources, countries, intelligence organizations and other outlaws that provided him with the secret evidence that convinced him that he must make sweeping claims and recommendations about killing, shelling and starving, as sweeping as the ones he made about the Third River.

(Mr. Al-Anbari, Iraq)

Anyone familiar with the marshes in Iraq - and for those who may be interested, let me refer them to the books written by Wilfred Thesiger and Gavin Young - knows that, given the difficulty of gaining access to some parts of the marshes, where reeds could be as high as several metres, they become safe havens - yes, such safe havens are not new - for many deserters, murderers and smugglers, as well as agent-infiltrators from neighbouring countries. On many occasions Government forces do carry out raids to arrest such elements and to collect material evidence, such as communications equipment, grenades and other spying and subversive articles brought into the country by foreign agents. It is those elements, not the Government forces, that steal, kill and destroy the houses and property of the marsh Arabs, particularly in areas where Government authority cannot always function effectively to provide safety and protection to innocent civilians. Are we to accept the idea that only the deserters, murderers, smugglers and foreign infiltrators have human rights to be protected and that if a sovereign State wants to free the innocent citizens from the terror those criminals inflict on them, it must be condemned? But the report asserts that the Government's main objective in carrying out aerial surveys, or sending police patrols, or attacking the hideouts of foreign agents and other criminals, is actually to carry out indiscriminate murders, on a massive scale, of the innocent inhabitants of the marshlands. Here I must quote an Iraqi proverb. We have a saying: "Tell any person something totally unreasonable, and if he believes it, he is not a reasonable person." Is it reasonable that the Government would intentionally attempt to kill the Iraqi citizens living in the marshes? Those people have been living in the marshes for thousands of years. All Iraqis are proud of their heritage and their contribution to Iraq's

(Mr. Al-Anbari, Iraq)

agriculture, fisheries and civilization. They live under such difficult conditions in small and isolated villages that they can hardly afford to do anything except manage their daily life. True, their conditions have improved recently, but life there is still difficult. They can hardly organize themselves, let alone carry out any political actions against the Government. Why should they? And why should the Government attempt to alienate them, let alone destroy them? Without our people in the marshes, the marshes would have become a colony of criminals, subversives and foreign agents. As to the video cassette which the Special Rapporteur says he possesses, I have not seen it, though I very much doubt its authenticity. The claim on the video cassette that the Prime Minister ordered tribes to be wiped out is such an ignorant and naive claim as to prove its lack of authenticity. I say "ignorant claim" because those tribes do not live only in the marshes - some members do, but the majority of members live in major towns, such as Basra, Omara and others throughout the country, partly to escape the harsh conditions of the marshes or for other social and economic reasons.

It is in this context that the Government offered voluntary - yes, voluntary - relocation to the marsh people, giving them free housing and free agricultural land in nearby villages. The report made reference to the speaker of the National Assembly, asserting that he confirmed the compulsory nature of the relocation programme. That assertion is simply untrue. The fact that no source, written or otherwise, was cited indicates how flimsy the assertion is.

The most ironic, albeit tragic, allegation in the report is the one to the effect that the Government has imposed an internal economic blockade on the marshlands. How could the Government do that? Such assertions reveal

(Mr. Al-Anbari, Iraq)

once more the lack of knowledge or even familiarity with the living conditions in the marshlands, in view of their relative inaccessibility and the nature of the rationing system which the Government adopted to help the Iraqi people withstand the inhumane embargo imposed against them. Nor do such assertions show any understanding of the nature and structure of the Iraqi rationing system. It is the embargo, covering everything except air and water, that violates every Iraqi citizen's right to life, be he or she an Arab, a Kurd, a Sunni, a Shiite or a marshland inhabitant. To divert the attention of the Council and world public opinion to the so-called internal economic blockade is a cruel and inhumane act, to say the least, on the part of the Special Rapporteur.

In conclusion, I would like to make it clear that my intervention in this discussion is not made because of the contents or recommendations of a report which my Government considers as irrelevant as it is insignificant. The reason for any intervention, or for my intervention, is that regardless of the merits or demerits of the report, it is an illegal attempt to help accomplish an illegal aim, namely, to dismember my country by calling for the so-called permanent human-rights observers, then eventually to establish another so-called safe haven in the south. We know the countries, be they big ones or small ones in the region, which aim at destroying Iraq and the Iraqi people through a perpetual embargo, through the establishment of safe havens in the north and the south and eventually through dismemberment. Iraq and the Iraqi people recognize those countries, but we do regret that the Special Rapporteur, knowingly or not, should lend his name and position to such a scheme.

Mr. PERKINS (United States of America): It is evident from the statement we have just heard from Mr. van der Stoel that Iraq is in clear and direct violation of Security Council resolution 688 (1991), which requires Iraq to end repression of its citizens and allow humanitarian organizations access to all those in need.

Saddam Hussein has long relied on fear and repression to govern Iraq, maintaining what can truly be described as a reign of terror. The full scope of these brutalities, it seems to us, is yet to be revealed, but what is known provides a clear indictment of his practices.

(Mr. Perkins, United States)

He is guilty of human rights abuses throughout the country involving every ethnic and religious group. We believe it appropriate for the Security Council to address these wider issues as well as the violations cited by Mr. van der Stoel in his report to the Council. We urge Mr. van der Stoel to issue his report on conditions in north Iraq as soon as possible.

Saddam Hussein is also obstructing the work of those who seek to help the people of Iraq. His Government has refused to issue visas to replacements for United Nations guards who have rotated out of the country. Those who remain are being harassed constantly. These guards perform an essential job. Besides providing a measure of protection for United Nations personnel and equipment, they are an important symbol of the United Nations humanitarian commitment in Iraq. If we accept that Iraq can control the entry of United Nations personnel by denying visas, Iraqi intransigence could reduce the number to 127 United Nations guards of a needed contingent of 500 one week from today. With a reduced number of United Nations guards, and with United Nations personnel unable to travel between Baghdad and the north, the Iraqi Government could increase its harassment of groups throughout the country that rely on the United Nations presence to care for their humanitarian needs.

In recent months we have witnessed a resurgence of the Iraqi regime's cruel treatment of its citizens in the north. Last week three key checkpoints into Kurdistan were closed to humanitarian aid, petroleum products, or people, including United Nations personnel. In addition, Iraq is refusing to sell fuel to humanitarian organizations. The blockade and inadequate fuel supplies are seriously hampering relief operations. Saddam Hussein has not paid Government workers in the north since last October.

(Mr. Perkins, United States)

On the eve of local elections in northern Iraq, three bombs were discovered in Zakho, including a car bomb in front of a hotel housing Western journalists and election observers. On 30 June Iraq refused to renew the Memorandum of Understanding on United Nations activities in Iraq. In early July there were grenade and bomb attacks against United Nations offices in northern Iraq, including against United Nations guard headquarters.

Events in southern Iraq show an equally heinous disregard for the human rights of the Iraqi people. In southern Iraq last year, observers reported that Government troops indiscriminately fired on civilians and hanged some from the barrels of tanks. Government forces damaged mosques and desecrated tombs, razed residential areas around the mosques to create free-fire zones for security units, and banned access to cemeteries.

Recently the Government intensified its attacks against Shia civilians, possibly to compensate for its inability to eliminate insurgent groups based in the southern marshes. Iraqi commanders recently were ordered to destroy Shia villages and kill their occupants. A videotape shows Iraq's Prime Minister ordering Government commanders to "wipe out" three marsh Arab tribes. Rural Shia villages are often shelled, as are residential areas near Shia cities such as Nasiriayah. Numerous settlements have been abandoned as villagers either flee the fighting or are forcibly relocated. During a recent offensive, Government forces destroyed more than 45 dwellings in settlements such as Saiqal and Wadiyah.

Reports coming from southern Iraq say that a Government offensive in April produced more than 1,000 casualties, and hundreds of families reportedly fled into the marshes after their homes were set on fire. Fixed-wing

(Mr. Perkins, United States)

aircraft, including sophisticated fighter-bombers and helicopter gunships, were used to strafe villages and other portions of the marshes. The Government has begun executing civilians accused of supporting the rebels. Baghdad has severely limited the number of relief workers in the south because they could monitor the regime's abuses. Baghdad has refused to renew visas for relief officers.

In April the Government authorized the removal of Shia villagers living in or near the southern marshes. This operation is reminiscent of the "Anfal operations" - Iraq's forced relocation of thousands of Kurds in the 1980s.

Since the uprising, Saddam Hussein also has increased the level of economic pressure on the south. The Government maintains a virtual economic embargo against the Shias by diverting most goods and services to Iraq's Sunni community. Saddam Hussein has refused to reconstruct water and sewage treatment facilities in the south, even though such facilities have been repaired elsewhere in Iraq.

Nor have the Iraqi citizens of Baghdad and other areas in central Iraq escaped the repression of the Saddam Hussein regime. Government manipulation and control of incoming food and medical supplies plus unrestrained printing of currency by the Iraq Central Bank have contributed to escalating prices for basic commodities. The response of the Baghdad regime was to execute merchants, more often than not Sunni Arabs, who have been loyal supporters. Obviously, the regime represses ruthlessly any sign of dissent.

In his most cruel hoax, Saddam Hussein has blamed the number of malnourished Iraqis on the United Nations sanctions rather than the Iraqi military and his own policies of repression.

(Mr. Perkins, United States)

Mr. van der Stoel has dramatically highlighted the plight of the Iraqi people. One of the most serious new developments is the use of fixed-wing aircraft, including jet fighters, for the first time in bombing Shia villages in the southern marshes.

Unfortunately, we have no reason to hope for amelioration of the situation under the cruel regime of Saddam Hussein. Instead, we have reason to believe that additional villages will be attacked, bombed and destroyed, and civilian casualties will rise. Baghdad's opposition to relief efforts throughout the country, moreover, will deny the means to care for the wounded and the displaced.

In 1991 the Council condemned the repression of the Iraqi civilian population in many parts of Iraq, including in the Kurdish populated areas, finding it a threat to international peace and security. At that time, the United States Government and other Governments concluded that the situation was so serious and Iraqi intransigence so manifest that additional measures had to be taken to help prevent further Iraqi repression of the civilian population. Now, not only in the north but also in the south of Iraq the situation exists.

It is imperative that Iraq, without further delay and deception, abide by all relevant Security Council resolutions, including resolution 688 (1991), end its economic blockade of the north and south, renew the United Nations humanitarian programme in Iraq, and cease its repression in the southern marshes.

Mr. van DAELE (Belgium) (interpretation from French): Mr. President, may I first tell you how very pleased we are to know that during the month of August you will be presiding over the Security Council, which will thus benefit from your skill and your wisdom.

I should like at the same time to express our thanks to your predecessor for the effective way in which he guided our work during the particularly busy month of July.

The presentation just made to us by Mr. van der Stoel demonstrates - if need be - that it was useful and important for that observer who is monitoring events in Iraq to be heard by the Council, as requested by the Belgian delegation, among others. Our most sincere and heartfelt thanks go to Mr. van der Stoel for his statement.

(Mr. Van Daele, Belgium)

The distressing information that he has provided us confirms and indeed worsens the data that my delegation has on the deplorable human-rights situation in Iraq.

In the southern marshes the Shi'a civilians, victims of ruthless repression, are being subjected to an economic blockade which deprives them of food and all humanitarian assistance. Subjected to measures that amount to a veritable deportation policy, they are the victims of indiscriminate bombings and massive military attacks.

The plight of other populations, and in particular that of the Kurds, is, unfortunately, equally pitiful. Many witnesses, including Mr. van der Stoel, have alerted public opinion to this situation, and it seems that since then the situation has not evolved favourably - quite the contrary. The difficulties faced by the United Nations staff in charge of structuring humanitarian assistance operations add to our concern.

Furthermore, our information indicates that the harsh repressive measures used by the Iraqi regime now extend to the population of Baghdad itself. My delegation is concerned at this development, which, in addition to inflicting immense suffering on a large portion of the Iraqi population, shows continuing disdain for the goals and principles of the United Nations Charter and constitutes a violation by Iraq of various international human-rights instruments.

In this respect, the Security Council has imposed specific obligations on Iraq. Need I recall that resolution 687 (1991) provides in paragraph 21 that the Security Council shall review the embargo imposed on Iraq in the light of the policy and practices followed by its Government, and that resolution 688 (1991) in paragraph 2 demands that Iraq immediately end its repression of the civilian population?

(Mr. Van Daele, Belgium)

More than a year has passed since the adoption of those two resolutions. On 11 March 1992 the President of the Security Council made a statement which included the following passage:

> "The Security Council remains profoundly concerned by the grave human rights abuses that, despite the provisions of resolution 688 (1991), the Iraqi Government continues to perpetrate against its population" (S/PV.3059, p.18).

To our profound regret, nothing in that text is any less true today.

The repression that is being inflicted on the Iraqi people is not only a massive and flagrant violation of human rights, but, in addition, could once again gravely jeopardize the peace and security of the entire region. Therefore it is important, in this sphere as well, for the Council to follow with extreme watchfulness the behaviour of the Iraqi Government. The repression committed by the Baghdad authorities, like its attitude towards other matters covered by resolution 687 (1991), prevents Iraq from reassuming its place in the international community.

Mr. VORONTSOV (Russian Federation) (interpretation from Russian): The Russian Federation attaches great importance to the full and consistent implementation of the resolutions of the Security Council which are intended to eliminate the consequences of the Iraqi aggression against Kuwait and to establish a lasting peace and security in that region. Accordingly, we, like other Council members, are very seriously alarmed by reports of a continuing policy of repression against the civilian population in various parts of Iraq, which constitutes a direct violation of the demand, contained in resolution 688 (1991), that Iraq, as a contribution to the removing of the threat to

(Mr. Vorontsov, Russian Federation)

international peace and security in the region, should end the repression against its own civilian population.

We are receiving reports concerning increasing military attacks against the civilian population in the marshlands of southern Iraq, concerning actions by the Government for the forcible resettlement of people who are living there, concerning measures intended to force international non-governmental humanitarian organizations previously active in that region to leave the region. A very serious situation with regard to the observance, or I should rather say the violation, of human rights has been created in northern Iraq, where there is a continued blockade against the Kurdish population, and in other regions as well.

Useful information on the tragic situation of many population groups in Iraq as a result of the policy of their own Government has just been given to the Council by Mr. Max van der Stoel, a man of great and well-deserved international prestige. The delegation of the Russian Federation expresses its gratitude to him for that information.

The Russian delegation received with particular alarm the information provided by the Secretary-General at our informal consultation on 7 August 1992 about the worsening situation with regard to the safety of our Organization's personnel in Iraq. We consider totally inadmissible the increasing frequent attempts to intimidate United Nations personnel and the instances of attempts on their lives, one of which ended tragically.

These and other facts are evidence of the obvious unwillingness of the Iraqi authorities to have witnesses to their repressive actions against the civilian population and of their efforts to interfere with the activities of representatives of the international community in Iraq. That is

(Mr. Vorontsov, Russian Federation)

also what we conclude from the fact that Baghdad has avoided extending the memorandum of understanding with the United Nations.

The deep concern of members of the Security Council at the failure to comply with resolution 688 (1991) has been indicated on a number of occasions, including the Council meeting in March 1992 in which a high-level Iraqi delegation participated. The members emphasized that Iraq must allow international humanitarian organizations access to all those in need in all parts of Iraq and must conscientiously cooperate with the Secretary-General in carrying out humanitarian efforts.

However, there has not yet been any adequate response by Baghdad to these demands. The letter dated 6 August 1992 from the Minister for Foreign Affairs of Iraq to the President of the Security Council (S/24388) and the statement made today by the Permanent Representative of Iraq to the United Nations are further convincing evidence of that fact.

The delegation of the Russian Federation wishes to emphasize the groundlessness and uselessness of any attempt by Iraq to test the firmness of the Security Council's determination to obtain Iraq's full and unconditional compliance with all Council decisions, including resolution 688 (1991). The Iraqi authorities must understand at last that the world community will not stand for any further delay, much less Iraq's refusal to heed the demands of the Council. Only by constructive cooperation with the international community can Iraq avoid the serious consequences it will face if it continues on its course of confrontation with the Security Council, especially since such cooperation would, first and foremost, be in the national interest of Iraq itself.

Mr. HATANO (Japan): As we all know, information is scarce on the southern marsh area of Iraq owing to restrictions on access imposed by the Iraqi Government. But Japan, too, has received some reports that the Iraqi Government was violating human rights in the area.

In his briefing today, Mr. van der Stoel seems to have confirmed many of these reports. The story of the burial ceremony of Grand Ayatollah Khoei, which I heard for the first time today, adds to the sadness of the situation. Last year, with resolution 688 (1991) the Security Council condemned the repressive practices of the Iraqi Government against the civilian population in many parts of the country. We deplore that such practices still continue. We consider that the repression of its people and the denial of their human rights is a matter for the international community's concern and constitutes a threat to the peace and security of the region.

In this connection, the plight of the Kurdish people in the northern part of Iraq also requires our continued attention. Japan urges Iraq to accept the extension of the Memorandum of Understanding to insure that their safety is guaranteed. Nor must we forget the Kuwaiti nationals who are missing or detained in Iraq, and Japan urges that Iraq grant the International Committee of the Red Cross free access to all areas so that it can gain information on these people.

In short, the Government of Iraq should stop the repression of its people and its confrontational attitude with respect to the implementation of all the relevant Security Council resolutions.

Mr. HAJNOCZI (Austria): Permit me to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. Considering your personal qualities and experience, we are convinced that we

(Mr. Hajnoczi, Austria)

have already seen that the Council cannot but benefit from your guidance in carrying out its work.

I should also like to pay a tribute to the Permanent Representative of Cape Verde, Ambassador Jesus, for the excellent manner in which he presided over the Council last month.

I want to express our gratitude to Mr. van der Stoel for his briefing on the manifold - in particular, human rights - aspects of the situation in the southern marshlands of Iraq, in the northern Kurdish-populated sectors, and other regions of that country. Mr. van der Stoel's presentation was extremely interesting and at the same time worrying.

In this context, I should like to recall what Austria's Federal Chancellor Vranitzky said in the Council meeting of 31 January 1992:

> "The protection of human rights and, in particular, of the rights of ethnic minorities too, has had an important impact on the development of peaceful relations between States. There is a direct connection between democratic processes within countries and the evolution of a political culture which is conducive to the peaceful settlement of disputes. From our own history, we know that peace was most threatened when human rights were abolished and minorities persecuted and when democratic processes gave way to totalitarian practices. Human rights, minority rights and democracy are, therefore, important cornerstones in our common endeavour" (S/PV.3046, p. 66).

The briefing given by Mr. van der Stoel is indeed alarming not only with regard to the human rights situation but also in relation to international peace and security in the area, which are threatened, as emphasized in paragraph 1 of Security Council resolution 688 (1991), by the repression of the Iraqi civilian population.

(Mr. Hajnoczi, Austria)

Paragraph 2 of resolution 688 (1991) demands that Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression. After today's presentation, my delegation cannot but call upon Iraq with utmost sincerity to take all measures possible in order to alleviate the suffering of its civilian population in the southern marshes as well as in other parts of Iraq, among these the Kurdish areas.

Both the southern marshlands and the northern, Kurdish-populated parts of Iraq are extremely sensitive areas as regards regional security and stability. We are therefore all the more concerned by the information on restrictions to the activities and programmes of humanitarian agencies there. Austria is proud to be a contributor to the United Nations guards contingent in Iraq because we consider the work done by this contingent to be of great importance, in the humanitarian field as well as in the security area. We have therefore registered with great dismay the recent deterioration of the security conditions of those guards and other humanitarian personnel.

In a hand-grenade attack on 8 July 1992, two Austrian members of the guards contingent were severely wounded. On 16 July, another United Nations guard, a Fiji national, was killed by a gunshot. Other members of the guards contingent have been injured since. Austria therefore reiterates its call upon Iraq to ensure to the extent feasible the safety of all international personnel within its territory and to make available all the facilities and cooperation necessary for the continued and safe implementation of all humanitarian programmes of the United Nations, the International Committee of the Red Cross, and non-governmental organizations, as well as to give them access to all Iraqi civilians in all parts of the country, as also insisted upon in paragraph 3 of resolution 688 (1991). In particular, we expect that the Memorandum of Understanding will be renewed quickly.

(Mr. Hajnoczi, Austria)

Paragraph 21 of Security Council resolution 687 (1991) stipulates that the sanctions against Iraq have to be reviewed in the light of the policies and practices of the Government of Iraq. Austria hopes that Iraq, by heeding these calls and cooperating fully, will contribute to the creation of conditions under which the sanctions soon can be lifted.

The information provided by Mr. van der Stoel, as well as by Ambassador Al-Anbari, on the so-called Third River Project or Main Outfall Drain Project demonstrates clearly the impact of ecological questions on a wide range of issues, among them a country's relationship with its immediate and mediate neighbours and hence on international peace and security. The ecological impacts of actions and projects affecting neighbouring States must therefore always be taken duly into account.

(Mr. Hajnoczi, Austria)

In conclusion, let me make one thing absolutely clear: Austria's aim in participating in this debate is of a principled nature, not confined to matters related merely to Iraq. Humanitarian and human rights questions are important for peace and stability equally in all parts of the world. We therefore hope and expect that the international community will devote the same degree of attention and determination to threats to the peace by violations of human rights and humanitarian law in other regions as it is currently devoting to the very tragic cases of Bosnia and Herzegovina or Somalia.

The PRESIDENT (interpretation from Chinese): I thank the representative of Austria for the kind words he addressed to me.

Mr. ROCHEREAU DE LA SABLIERE (France) (interpretation from French): Last year, during the tragic exodus of Kurds caused by terrible repression, the Security Council undertook an examination of the humanitarian situation in Iraq. At that time, on the initiative of my country, it adopted resolution 688 (1991).

In the same context, we have just listened to a presentation by Mr. van der Stoel of the results - damning for the Government of Iraq - of the very serious, detailed work he has been doing for several months with a view to establishing the truth about the situation of the civilian populations in Iraq.

Mr. van der Stoel's testimony, which supplements the information available to us from other sources, is extremely disquieting. It confirms that on the whole of Iraqi territory elementary human rights are being trampled upon and that repression against the civilian population is

(Mr. Rochereau de La Sablière, France)

continuing, in the north and in the south. It confirms, also, that resolution 688 (1991) is disregarded by the Baghdad Government.

While the United Nations, the specialized agencies and the Non-Governmental Organizations are exerting remarkable efforts to bring relief to the civilian population, the Iraqi Government is placing ever-greater obstacles in the way of humanitarian action. In fact, it is seeking to put an end to that action. The Secretary-General submitted to us last Friday a report in this regard which causes us great concern. Indeed, the Baghdad authorities are refusing to grant the necessary visas to make it possible to relieve personnel involved in the implementation of the humanitarian programme. They refuse also to authorize these persons to move about freely. At the same time, we note a worsening of the security conditions of the United Nations guards, international staff and persons serving with Non-Governmental Organizations. The latter are, indeed, subjected to hostile acts, going so far as assassination. Unfortunately, we have an example of this, which prompted our Council to react on 17 July last.

We learned yesterday that the Iraqi authorities had, after weeks of procrastination, decided to invite Mr. Eliasson to go to Baghdad to continue the discussion on the Memorandum of Understanding signed between Iraq and the United Nations on 18 April 1991. Better late than never: for it is essential that this Memorandum of Understanding be renewed.

My delegation attaches particular importance to the presence of the contingent of United Nations guards. It must be enabled to carry out the task given it by the Secretary-General. Hence, we shall be very vigilant and shall follow very closely the negotiation on the Memorandum of Understanding as well as its results.

(Mr. Rochereau de La Sablière, France)

In the field - as Mr. van der Stoel emphasized - the Baghdad authorities continue to impose the blockade of Kurdistan by force. The principal access roads to that region are cut and, therefore, the shortages are worsening. Thus, for lack of fuel, the harvested wheat could not be sent to silos and the harvest is being lost. The Kurdish population, which has suffered so much, continues to live a life of anguish.

In the south, the repression continues. Mr. van der Stoel has given us crushing examples of this. The Shiite population is subjected to unacceptable treatment. The marsh area is encircled by the army. Villages located there are bombarded by aircraft. But the Iraqi regime does not confine its abuses to this tragic manhunt going on in the marshes. We know that it is also doing irreparable damage to the cultural and religious heritage of the southern cities. Places of worship, religious schools, libraries have been sacked.

The Iraqi authorities must allow the United Nations guards to be deployed in the south, in particular in the area of the marshes, and must give unrestricted access to the humanitiarian organizations so that they can carry out their elementary tasks of assistance and protection.

Last year the Security Council found that the repression by the Baghdad authorities constituted a threat to international peace and security. My Government, along with others, took measures to protect the population in the north, which at that time was particularly affected. We note today that a situation just as serious as the one I have just recalled exists now in the south. The international community cannot remain indifferent to the fate of the population in the south. It must do everything possible to prevent massive violations of human rights from continuing, and to prevent an exodus.

Sir David HANNAY (United Kingdom): This afternoon, at the opening of our debate, we heard two contributions, the first of which I found horrific and the second, disturbing.

The report to the Security Council by Mr. van der Stoel, for which I greatly thank him and which related principally to resolution 688 (1991) and is therefore very much a matter for the Council, is deeply disturbing. But I am afraid I found the comment by the Iraqi Permanent Representative on that report - no doubt on instructions from his Government - if anything, even more disturbing. For all that could be found to be said in the face of these horrific facts were some rather cynical and legalistic arguments and a long analysis about whether or not Mr. van der Stoel's engineering experience was sufficient to analyse the Third River Project. Well, I have always based myself on the assumption that the Dutch know rather a lot about large water projects, and I am not inclined to follow the Iraqi representative's line of argument. But, in any case, it is irrelevant to the business of the Security Council. The Ambassador of Iraq asked us: is it reasonable for a Government to wish to kill large numbers of its population? I shall reply straightaway: no, it is not reasonable. But by that criterion the Government of Iraq must be the most unreasonable Government in the world.

Now, Mr. van der Stoel spoke to us first about the state of health in Iraq and about the failure of the Iraqi Government to implement the scheme under resolutions 706 (1991) and 712 (1991). I think that the Ambassador of Iraq suggested that this was irrelevant. I do not myself believe it is irrelevant at all. The reality is that if that scheme had been implemented, a billion dollars - one billion dollars - of value and money could have been used for buying foodstuffs and medicine for the people of Iraq. And that is

(Sir David Hannay, United Kingdom)

not the limit of it: for the Security Council said when it adopted the scheme that it would review the figure if that proved to be necessary. We have never had to do that, alas, because we have never been able to implement the scheme, thanks to the obstruction and, finally, the rejection of the Iraqi Government. That in itself is a tragedy which contributes to the repression by the Iraqi Government of its population - which is so greatly in contravention of resolution 688 (1991).

Mr. van der Stoel also spoke to us about the humanitarian work of the United Nations and the way this was being hampered. We already had the Secretary-General's report of 7 August to Council members about the negotiations on the Memorandum of Understanding, and we had heard from the Secretary-General that Iraq was trying to force United Nations humanitarian agencies and Non-Governmental Organizations to leave and was bringing pressure to bear to reduce the number of United Nations guards and, if possible, get them all out of Iraq by a process of attrition.

I entirely agree with Mr. van der Stoel's statement that the humanitarian programme is desperately needed in Iraq - and that includes the work of the United Nations guards, which is vital for the well-being of the Iraqi people in all parts of the country. So to my Government it is very welcome news that Under-Secretary-General Eliasson has now been invited to visit Baghdad. I hope this is a sign that the Iraqi Government will see the light and will renew the Memorandum of Understanding without more ado. Failing to do that will certainly be another step down the road towards the repression and the inhumane treatment of its own population.

(Sir David Hannay, United Kingdom)

What Mr. van der Stoel told the Council is enough to indicate to us, together with reports that we receive in the press and elsewhere, that Iraq is engaged in a full-scale repression of the Shia population in the southern marshes. There is no way in which this can be other than a straightforward defiance of this Council and of Security Council resolution 688 (1991), which expressly asked Iraq to end the repression of its civilian population.

It is also clear from both Mr. van der Stoel's account and other accounts that the situation in other parts of Iraq, notably in the north of the country, is very nearly as bad. Not quite as bad, because there is not, at the moment, actual military force being used, but very bad nevertheless, because the maintenance of an economic blockade against the north is bringing great privation and suffering to the people who live there, and that too is inconsistent with resolution 688 (1991). In the south, Iraq has begun to use fixed-wing aircraft for the first time in the recent period to bomb Shia villages and to destroy human habitations and human beings throughout the marshes. That action is not tolerable.

Last year, 15 months ago, this Council concluded that the repression of the Iraqi civilian population in many parts of Iraq, including the Kurdish-populated areas but also in the south, which led to a massive exodus of refugees to Turkey and Iran, itself threatened international peace and security. My Government and a number of others felt that the situation was so serious and Iraqi intransigence so evident that measures had to be taken to help prevent the population from being further repressed. That situation now appears to exist in the south of Iraq, as it did last year in the north.

(Sir David Hannay,
United Kingdom)

From what we have heard, Iraqi actions appear, in fact, to be threatening the very existence of large sections of the civilian population. So I should like to conclude by saying that if the Government of Iraq wishes this Council to accept the claim that its intentions are good, then there are three things that need to be done immediately. One is to end the economic blockade of the north of Iraq; the second is to stop the forceful repression in the south of Iraq; and the third is to renew the Memorandum of Understanding.

Mr. BUDAI (Hungary): The delegation of Hungary remains deeply concerned about the systematic, massive and grave violations of human rights in Iraq, the consequences of which have a direct bearing on international peace and security in the region. The statement made by Mr. van der Stoel before this Council, for which we thank him, provides us with new and shocking information about the humanitarian and human-rights situation of the Iraqi civilian population.

Our delegation considers the participation of Mr. van der Stoel in this meeting of the Council as an important contribution towards enhancing the awareness of the link that exists between the way a Government treats its own citizens and the way it acts in the international arena, as well as the link between enforcing respect for human rights and maintaining international peace and security. Resolution 688 (1991) of the Council and the Presidential statement of 11 March 1992 have clearly recognized this relationship by keeping the question of repression in Iraq under review by the Security Council.

(Mr. Budai, Hungary)

This disregard for international standards, including the provisions of treaties in the field of human rights to which Iraq has become a party, is indeed alarming. The practices of mass execution, the extensive use of torture by security forces, enforced disappearances, violations affecting ethnic and religious communities, in particular the massive repression of the Kurds and now the resurgence of grave violations of the population's human rights in the area of the southern marshes cannot but be condemned by the international community.

Earlier last year, in launching a large-scale humanitarian operation to save the Kurds of Iraq, the Security Council acted in an exemplary manner. Those steps were directed towards peace-building, towards the safeguarding of human rights and the rights of minorities. Therefore reports about the lack of cooperation on the part of the Iraqi Government regarding the United Nations humanitarian operation should not escape the attention of the Council either. We urge Iraq to cooperate with the United Nations for the early finalization of the negotiations on the renewal of the Memorandum of Understanding covering the humanitarian programme.

The Iraqi authorities should put an end to the repression of the civilian population throughout the country. Humanitarian relief efforts should continue unhindered. The Government of Iraq bears full responsibility for the deterioration of the humanitarian situation in its country. Early implementation of the relevant Security Council resolutions, including resolution 688 (1991), as well as resolutions 706 (1991) and 712 (1991), would contribute to the improvement of the human-rights situation and the living conditions of the suffering civilian population of Iraq.

As was stressed in the statement of the head of the Hungarian delegation to the summit meeting of Security Council members in January, for the

(Mr. Budai, Hungary)

Republic of Hungary respect for human rights and the rights of national minorities is not merely a legal or humanitarian question. It is also an integral part of international collective security, as exemplified during and after the Gulf crisis, and also more recently in the conflict among the southern Slav peoples. Therefore it is indispensable for the Security Council, in the context of its peace-building efforts, to take an unambiguous and clear-cut stand for the protection of those rights whenever and wherever they are flagrantly violated.

Mr. ARRIA (Venezuela) (interpretation from Spanish): Mr. President, your traditional poise and wisdom in the conduct of our debates will be much needed this month, when the Council deals with such important, complex and novel issues such as the situation that is before us today.

Mr. van der Stoel's appearance before the Council today was not in his capacity as Special Rapporteur of the Commission on Human Rights. Nonetheless, Mr. van der Stoel is no ordinary person. He has twice been Minister for Foreign Affairs of his country, the Netherlands, a prestigious distinguished and democratic nation, and today he is also a member of his country's Council of State. His credibility and prestige are backed by a distinguished public career. We feel that his good faith is beyond question. For that reason, my country attaches particular value and importance to his statement before the Council.

Mr. van der Stoel's first report before the Council in March of this year caused Council members deep concern and serious alarm - as did today's report - in the light of resolution 688 (1991). On 11 March, exactly five months ago, the Council held its 3059th meeting, at which the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, was invited to speak. On behalf of the Council, in my capacity as President, I referred on that occasion to

(Mr. Arria, Venezuela)

paragraph 2 of resolution 688 (1991), which indicated that in order to remove the threat to international peace and security in the region, an end had to be put to the repression of the civilian population.

(Mr. Arria, Venezuela)

It also mentioned operative paragraphs 3 to 7 of Security Council resolution 688 (1991), in which it was agreed that immediate access by international humanitarian organizations must be allowed to all those in need of their assistance. The resolution also required the full cooperation of the Government of Iraq in this respect.

Lastly, in this connection, in my capacity as President of the Council I said that as long as the repression continued, there would be a threat to international peace and security. The fact that the Memorandum of Understanding has not been extended implies de facto the withdrawal of the Non-Governmental Organizations, bodies whose presence enhanced the credibility of the international humanitarian action, and it is of course regrettable that this should be so. Preventing access by the international humanitarian organizations - the Non-Governmental Organizations - is clearly a violation of resolution 688 (1991), but it also lends credibility to the condemnations heard today in the Council.

I do not think that the letter dated 10 August from the Deputy Permanent Representative of the Islamic Republic of Iran - which was circulated today as Security Council document S/24414 - can go unnoticed at this meeting, because it states that:

> "The annihilation of large numbers of people in the south of Iraq, mainly Shiites, may lead to a situation like the one which obtained in the spring of 1991 and so threaten peace and security in the region".

I shall repeat here what I said, as representative of Venezuela, during the meeting on 11 March this year:

(Mr. Arria, Venezuela)

"We are ... confident that the Government of Iraq will understand its humanitarian responsibilities to ensure the national reconciliation of its people with full respect for the human rights of all its citizens, many of whom are now subjected to untold and unjustifiable violations of such rights". (S/PV.3059, p. 89)

The final responsibility for normalizing its relations with the international community, symbolized here by the Security Council, and for not jeopardizing international peace and security in the region yet again, lies in the hands of Iraq.

In conclusion, I think it is important to highlight the fact that the concern of my country in this debate is founded on its unswerving solidarity and concern in respect of a subject of primary importance for humankind, namely, the defence of human rights wherever they are violated or trampled underfoot, and on its aspiration to see peace and harmony restored in a region whose people are traditionally friends of Venezuela.

The PRESIDENT (interpretation from Chinese): I thank the representative of Venezuela for his kind words addressed to me.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 6.05 p.m.